

REPLY COMMENTS OF THE TOWNSHIP OF UPPER ST. CLAIR

These comments are filed by the Township of Upper St. Clair in support of the comments filed by the Alliance of Local Organizations Against Preemption (the "Alliance"). Like the Alliance, the Township of Upper St. Clair believes that (a) local communities should be able to require cable operators to obtain additional authorizations to use and occupy public rights of way to provide cable services, and to enforce existing authorizations that have been granted for the service; (b) should be able to obtain fair and reasonable compensation for use and occupancy of the public rights of way to provide non-cable services; and (c) should be able to regulate cable companies in their provision of non-cable services, as provided under the Cable Act.

The Township of Upper St. Clair is a municipality of approximately 20,000. It is served by Adelphia Cable, which has approximately 7,000 subscribers. The cable system serving our community offers hundreds of digital programming options. Internet modem through Adelphia's "PowerLink" is currently used by over 2,000 subscribers.

We regularly receive complaints from customers regarding the services provided by cable operators. These include complaints about traditional video programming services and about cable modem services. Responding to these complaints requires significant staff time and effort.

There are many unique customer service problems associated with cable modem services. In addition, it is often difficult, if not impossible to separate regulation of cable modem service from the regulation of cable service in many critical aspects. The Township also believes Dish networks should likewise pay a similar modem fee for use of local airwaves.

For all of the above reasons, the Township of Upper St. Clair respectfully requests favorable consideration and/or action with respect to the Alliance position.

Sincerely,

Douglas A. Watkins
Township Manager

Township of Upper St. Clair
1820 McLaughlin Run Road
Upper St. Clair, PA 15241
412.831.9000